

PART I - STANDARD PERMIT CONDITIONS

I.A. EFFECT OF PERMIT

The Permittee is allowed to store and treat hazardous waste in accordance with the conditions of this Permit. Any storage or treatment of hazardous waste not authorized in this Permit, or another permit issued by the Director (e.g., an emergency permit), is prohibited. Compliance with this Permit generally constitutes compliance, for purposes of enforcement, with the Colorado Hazardous Waste Act, C.R.S. §§25-15-101 *et seq.* (the Act). Since the Department has not adopted all portions of EPA's Military Munitions Rule, the Colorado Hazardous Waste Regulations (6 CCR 1007-3) supersede any references to EPA's Military Munitions Rule, including any references in documents referenced by this Permit, Permit Attachments, and associated Appendices. Issuance of this Permit does not authorize any injury to persons or property, any invasion of other private rights, or any infringement of federal, state, or local law or regulations. Compliance with the terms of this Permit does not constitute a defense to any order issued or any action brought under the imminent hazard provisions of the Act or §7003 of RCRA; §§106(a), 104, or 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 *et seq.*, commonly known as CERCLA), or any other law providing for protection of public health or the environment. [6 CCR 1007-3, §§100.46 and 100.42(g)]

I.B. PERMIT ACTIONS

I.B.1. Permit Modification, Revocation and Reissuance, and Termination

This Permit may be modified, revoked and reissued, or terminated for cause, as specified in 6 CCR 1007-3, §100.60. The filing of a request for a permit modification, revocation and reissuance, or termination, or the notification of planned changes or anticipated noncompliance on the part of the Permittee, does not stay the applicability or enforceability of any permit condition. [6 CCR 1007-3, §§100.60 and 100.42(f)]

I.B.2. Permit Renewal

This Permit may be renewed as specified in 6 CCR 1007-3, §100.42(b) and Permit Condition I.E.2. Review of any application for a permit renewal will consider improvements in the state of control and measurement technology, as well as changes in applicable regulations [6 CCR 1007-3, §100.42(b)].

I.C. SEVERABILITY

The provisions of this Permit are severable, and if any provision of this Permit, or the application of any provision of this Permit to any circumstance, is held invalid, the application of such provision to other circumstances and the remainder of this Permit shall not be affected thereby.

I.D. DEFINITIONS

For purposes of this Permit, terms used herein shall have the same meaning as those in 6 CCR 1007-3, Parts 2, 99, 100, and 260 through 268, unless this Permit specifically provides otherwise. Where terms are not defined in the regulations or the Permit, the meaning associated with such terms shall be defined by a standard dictionary reference or the generally accepted scientific or industrial meaning of the term. “Director” means the Director of the Colorado Department of Public Health and Environment (CDPHE), Hazardous Materials and Waste Management Division, or his designee or authorized representative.

I.E. DUTIES AND REQUIREMENTS

I.E.1. Duty to Comply

The Permittee must comply with all conditions of this Permit, except to the extent and for the duration an emergency permit authorizes such noncompliance. Any permit noncompliance, other than noncompliance authorized by an emergency permit, constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.
[6 CCR 1007-3, §100.42(a)]

I.E.2. Duty to Reapply

If the Permittee wishes to continue an activity allowed by this Permit after the expiration date of this Permit, the Permittee must submit a complete application for a new permit at least 180 days prior to Permit expiration.
[6 CCR 1007-3, §§100.42(b) and 100.11(e)(1)]

I.E.3. Permit Expiration

Pursuant to 6 CCR 1007-3, §100.45, this Permit shall be effective for a fixed term of ten years. As long as CDPHE is the permit-issuing authority, this Permit and all conditions herein will remain in effect beyond the Permit’s expiration date if the Permittee has submitted a timely, complete application and, through no fault of the Permittee, the Director has not issued a new permit as set forth in 6 CCR 1007-3, §100.11(e)(2).

I.E.4. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Permit.
[6 CCR 1007-3, §100.42(c)]

I.E.5. Duty to Mitigate

In the event of noncompliance with this Permit, the Permittee must take all reasonable steps to minimize releases to the environment and must carry out such measures, as are reasonable, to prevent significant adverse impacts on human health or the environment. [6 CCR 1007-3, §100.42(d)]

I.E.6. Proper Operation and Maintenance

The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of this Permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance/quality control procedures. This provision requires the operation of back-up or auxiliary facilities (or similar systems) only when necessary to achieve compliance with the conditions of this Permit. [6 CCR 1007-3, §100.42(e)]

I.E.7. Permit Actions

This Permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the Permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition. [6 CCR 1007-3, §100.42(f)]

I.E.8. Property Rights

This Permit does not convey any property rights of any sort, or any exclusive privilege. [6 CCR 1007-3, §100.42(g)]

I.E.9. Duty to Provide Information

The Permittee must furnish to the Director, within a reasonable time, any relevant information that the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Permit, or to determine compliance with this Permit. The Permittee must also furnish to the Director, upon request, copies of records required to be kept by this Permit. [6 CCR 1007-3, §§264.74(a) and 100.42(h)]

I.E.10. Inspection and Entry

Pursuant to 6 CCR 1007-3, §100.42(i), the Permittee shall allow the Director, or an authorized representative, upon presentation of credentials and other documents as may be required by law, to:

- I.E.10.a. Enter at reasonable times upon the Permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this Permit;
- I.E.10.b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Permit;
- I.E.10.c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Permit; and

- I.E.10.d. Sample or monitor, at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Act, any substances or parameters at any location.

I.E.11. Monitoring and Records

- I.E.11.a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. See Permit Condition II.C.1. [6 CCR 1007-3, §100.42(j)(1)]
- I.E.11.b. The Permittee shall retain records of all monitoring information, including all calibration and maintenance records, copies of all reports and records required by this Permit and 6 CCR 1007-3, §264.74, the certifications and notices required by 6 CCR 1007-3, §264.73(b)(9) and (11), and records of all data used to complete the application for this Permit, from the date of the sample, measurement, report, record, certification, or application until closure of the facility, except as otherwise specified. This period may be extended by request of the Director at any time and is automatically extended during the course of any unresolved enforcement action regarding this facility. [6 CCR 1007-3, §§264.74(b) and 100.42(j)(2)]
- I.E.11.c. Pursuant to 6 CCR 1007-3 §100.42(j)(3), records of monitoring information must specify:
 - i. The date, exact place, and time of sampling or measurements;
 - ii. The individuals who performed the sampling or measurements;
 - iii. The sample collection, storage, and handling techniques;
 - iv. The dates analyses were performed;
 - v. The individuals who performed the analyses;
 - vi. The analytical techniques or methods used; and
 - vii. The results of such analyses.

I.E.12. Reporting Planned Changes

The Permittee shall give notice to the Director, as soon as possible, of any planned physical alterations or additions to the permitted facility. For a facility being modified the Permittee may not store hazardous waste in the modified portion of the facility until:

- I.E.12.a. The Permittee has submitted to the Director by certified mail or hand delivery a letter signed by the Permittee and a Colorado-Registered

Professional Engineer stating that the facility has been constructed or modified in compliance with the Permit; and

I.E.12.b.i. The Director has inspected the modified facility and finds it is in compliance with the conditions of the Permit, or

I.E.12.b.ii. If within 15 days of the date of submission of the letter in Permit Condition I.E.12.a, the Permittee has not received notice from the Director of his or her intent to inspect, prior inspection is waived and the Permittee may commence the storage of hazardous waste. [6 CCR 1007-3, §100.42(l)(1)]

I.E.13. Reporting Anticipated Noncompliance

The Permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements. For a facility being modified, the Permittee may not store hazardous waste in the modified portion of the facility except as provided in §100.61 and §100.63, until:

I.E.13.a. The Permittee has submitted to the Director by certified mail or hand delivery a letter signed by the Permittee and a Registered Professional Engineer stating that the facility has been constructed or modified in compliance with the Permit; and

I.E.13.b.i. The Director has inspected the modified facility and finds it in compliance with the conditions of the Permit; or

I.E.13.b.ii. Within 15 days of the date of submission of the letter in Permit Condition I.E.13.a, the Permittee has not received notice from the Director of his or her intent to inspect, prior inspection is waived and the Permittee may commence storage of hazardous waste. [6 CCR 1007-3 §100.42(l)(2)]

I.E.14. Transfer of Permits

This Permit is not transferable to any person, except after notice to the Director. The Director may require modification, or revocation and reissuance of the Permit to change the name of the Permittee and incorporate such other requirements as may be necessary under the Act, pursuant to 6 CCR 1007-3, §100.62. Before transferring ownership or operation of the facility during its operating life, the Permittee must notify the new owner or operator in writing of the requirements of 6 CCR 1007-3, Parts 264 and 100 and this Permit. [6 CCR 1007-3, §§100.42(l)(3) and 264.12(c)]

I.E.15. Monitoring Reports

Monitoring results shall be reported at the intervals and frequencies specified elsewhere in this Permit and in accordance with requirements specified in 6 CCR 1007-3, Part 264. [6 CCR 1007-3, §100.42(l)(4)]

I.E.16. Compliance Schedules

Reports of compliance or noncompliance with interim and final requirements contained in any compliance schedule of this Permit shall be submitted at the intervals specified elsewhere in this Permit. [6 CCR 1007-3, §100.42(1)(5)]

I.E.17. Twenty-Four Hour Reporting

I.E.17.a. The Permittee shall report to the Director any noncompliance that may endanger human health or the environment. Any such information must be reported verbally within 24 hours from the time the Permittee becomes aware of the circumstances. The verbal report shall include the following:

- i. Information concerning release of any hazardous waste or hazardous constituent (6 CCR 1007-3, Part 261 Appendix VIII, and Part 264 Appendix IX) that may cause an endangerment to public drinking water supplies;
- ii. Information concerning release or discharge of hazardous waste or hazardous constituent (6 CCR 1007-3, Part 261 Appendix VIII, and Part 264 Appendix IX), or of a fire or explosion from the hazardous waste management facility which could threaten the environment or human health outside the facility; and
- iii. A description of the occurrence and its cause, including:
 - (A) Name, address and telephone number of the owner or operator;
 - (B) Name, address, and telephone number of the facility;
 - (C) Date, time, and type of incident;
 - (D) Name and quantity of materials involved;
 - (E) The extent of injuries, if any;
 - (F) An assessment of actual or potential hazards to the environment and human health outside the facility, where this is applicable; and
 - (G) Estimated quantity and disposition of recovered material that resulted from the incident.

I.E.17.b. A written submission shall also be provided within five (5) days of the time the Permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance

and its cause; the period(s) of noncompliance (including exact dates and times); whether the noncompliance has been corrected, and, if not, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The Director may waive the five-day written notice requirement in favor of a written report within 15 days [6 CCR 1007-3, §100.42(l)(6)].

I.E.18. Other Noncompliance

The Permittee shall report all other instances of noncompliance not otherwise required to be reported above in Permit Conditions I.E.15 through I.E.17, at the time monitoring reports are submitted. The reports shall contain the information listed in Permit Condition I.E.17. [6 CCR 1007-3, §100.42(l)(7)]

I.E.19. Other Information

Whenever the Permittee becomes aware that it failed to submit any relevant facts in the permit application, or submitted incorrect information in a permit application or in any report to the Director, the Permittee must submit such facts or information within 30 calendar days. [6 CCR 1007-3, §100.42 (l)(8)]

I.E.20. Additional Reporting

I.E.20.a. The Permittee must submit to the Director a biennial report covering facility activities during the previous calendar year, if required by the Director under 6 CCR 1007-3, §264.75.

I.E.20.b. The Permittee must submit all requested information necessary for use by the Director in determining annual hazardous waste fees. [6 CCR 1007-3, §100.31]

I.E.21. Information Repository

Permittee shall maintain information repositories at the locations specified under Permit Conditions I.E.21.a., I.E.21.b. and I.E.21.c. The information repositories must contain all documents, reports, data, and information deemed necessary by the Director to inform the public about the permitted facility. The Permittees will make permitting documents available in the information repositories within 15 days of a written request made by the Director to include such document. The Permittees may change the location of any information repository with the approval of the Director and in accordance with the procedures for modification of permits 6 CCR 1007-3 §100.60. Modification of the location for an information repository shall be considered a Class 1 Modification with prior written approval from the Director.

I.E.21.a. Robert Hoag Rawlings Public Library
100 East Abriendo Avenue
Pueblo, CO 81004

I.E.21.b. McHarg Community Center
405 2nd Street
Avondale, CO 81022

I.E.21.c. Boone Volunteer Fire Department
421 East 1st Street
Boone, CO 81025

I.F. SIGNATORY REQUIREMENT

All applications, reports, or information submitted to or requested by the Director, his designee, or authorized representative, must be signed and shall comply with all other requirements of 6 CCR 1007-3, §§100.44(a) and 100.42(k).

I.G. REPORTS, NOTIFICATIONS, AND SUBMISSIONS TO THE DIRECTOR

All reports, notifications, or other submissions which are required by this Permit to be sent or given to the Director should be sent by certified mail, overnight delivery services, or hand delivered to:

Colorado Department of Public Health and Environment
Hazardous Materials and Waste Management Division
HMWMD-B2
4300 Cherry Creek Drive South
Denver, CO 80246-1530

I.H. CONFIDENTIAL INFORMATION

In accordance with 6 CCR 1007-3, Part 2, the Permittee may claim as confidential any information required to be submitted by this Permit.

I.I. DOCUMENTS TO BE MAINTAINED AT THE FACILITY

The Permittee may maintain records required by the terms of this Permit on microfilm, microfiche, or electronically. The Permittee shall maintain at the facility, the following documents and all amendments, revisions and modifications to these documents:

I.I.1. This Permit and all approved modifications;

I.I.2. Waste Analysis Plan and all documents developed in accordance with it, as required by 6 CCR 1007-3, §264.13(b) and this Permit;

I.I.3. Inspection schedules, as required by 6 CCR 1007-3, §264.15(b) and this Permit;

- I.I.4. Personnel training documents and records, as required by 6 CCR 1007-3, §264.16(d) and this Permit;
- I.I.5. Contingency Plan, as required by 6 CCR 1007-3, §264.53(a) and this Permit;
- I.I.6. Operating Record, as required by 6 CCR 1007-3, §264.73, Part 264 Appendix I, and this Permit;
- I.I.7. Closure Plan, as required by 6 CCR 1007-3, §264.112 and this Permit; and
- I.I.8. All other documents required by Permit Condition I.E.11.

I.J. COMPLIANCE SCHEDULE

The Permittee must submit the following to the Director as specified and in accordance with the schedule set forth below unless the Director approves an alternate schedule:

- I.J.1. Within 90 days of the effective date of this Permit, the Permittee shall submit to the Department for approval a permit modification request describing in detail decontamination methods and related activities in the Closure Plan (Attachment 6). These closure activity details include, “. . . the steps needed to remove or decontaminate all hazardous waste residues and contaminated containment system components, equipment, structures, and soils during partial and final closure . . .” per 6 CCR 1007-3, § 264.112(b)(4). These closure plan details must be submitted following the procedures for a Class 2 permit modification in 6 CCR 1007-3 §100.63
- I.J.2. Within 90 days of the effective date of this Permit, the Permittee shall submit to the Department for approval the methods for analyzing the following parameters in the Closure Plan (Attachment 6): mustard agent in air and mustard agent in solids. The method for analyzing thiodiglycol shall be submitted if the Permittee chooses to use thiodiglycol as an indicator parameter for the verification of clean closure instead of monitoring for all mustard agent-related hazardous constituents as currently required in the Closure Plan (Attachment 6). These methods to be incorporated into the Permit must be submitted following the procedures for a Class 2 permit modification in 6 CCR 1007-3 §100.63.
- I.J.3. Within 90 days of the effective date of this Permit, the Permittee shall submit to the Department for approval a permit modification request clarifying Table 2-1 Inspections Conducted on RCRA-Permitted Storage Areas at PCD in Attachment 2 for the inspection schedule for the LPS electrical resistance conductivity test: annual versus every 2 years (NFPA 780 provides for annual and DA PAM 385-64 states every 2 years). This information, to be incorporated into the Permit in Attachment 2, must be submitted to the Division following the procedures for a Class 1 permit modification as outlined in 6 CCR 1007-3 § 100.63.

- I.J.4. Within 90 days of the effective date of this Permit, the Permittee shall submit to the Department for approval a permit modification request detailing the front and rear igloo passive activated carbon adsorption filters procedure for between adsorber agent-breakthrough verification testing and the associated testing form. This protocol and form to be incorporated into the Permit in Attachment 2, must be submitted to the Division following the procedures for a Class 1 permit modification as outlined in 6 CCR 1007-3 § 100.63.
- I.J.5. Within 90 days of the effective date of this Permit, the Permittee shall submit to the Department for approval a permit modification request detailing conditions of use of and quantity available on site of the 1000 cfm mobile filters, testing protocols for agent-breakthrough and preferential path determination with associated testing forms, and maintenance procedures. This information, to be incorporated into the Permit in Attachment 2, must be submitted to the Division following the procedures for a Class 1 permit modification as outlined in 6 CCR 1007-3 § 100.63.
- I.J.6. Within 90 days of the effective date of this Permit, the Permittee shall submit to the Department for approval a permit modification request that modifies the existing inspection form(s) to align with Table 2-2 Lightning Protection System Visual Inspection Elements in Attachment 2 of the Permit. This information, to be incorporated into the Permit in Attachment 2, must be submitted to the Division following the procedures for a Class 1 permit modification as outlined in 6 CCR 1007-3 § 100.63.
- I.J.7. Within 90 days of the effective date of this Permit, the Permittee shall submit to the Department for approval a permit modification request providing details including but not limited to the description and elements of the existing Lightning Warning System, specific criteria for terminating agent-related operations, specific criteria for evacuation of igloos, and identification of the responsible individual who can decide when evacuation/operation shutdown is necessary. This information, to be incorporated into the Permit in Attachment 2, must be submitted to the Division following the procedures for a Class 1 permit modification as outlined in 6 CCR 1007-3 § 100.63.
- I.J.8. Within 90 days of the effective date of this Permit, the Permittee shall submit to the Department for approval a permit modification request providing a revised Igloo Lightning Protection System Resistance Electrical Testing and Visual Inspection Log Sheet G Block form to be included in Attachment 2 of the Permit. A suggested Division-modified form has been developed which may be used by the Permittee as a baseline. This form, to be incorporated into the Permit in Attachment 2, must be submitted to the Division following the procedures for a Class 1 permit modification as outlined in 6 CCR 1007-3 § 100.63.
- I.J.9. Within 90 days of the effective date of this Permit, the Permittee shall submit to the Department for approval a permit modification request as outlined in Section

7-1a(2) Overpacked Waste Munitions of Permit Attachment 7 for the explosive storage license(s) plus design and designated quantities information for each of the magazines G203, G1009, G1107, G1109, and G1110 necessary to meet the requirements of RCRA. These licenses and information, to be incorporated into Process Information, Permit Attachment 7, must be submitted to the Division following the procedures for a Class 1 permit modification as outlined in 6 CCR 1007-3 § 100.63.

- I.J.10. Within 90 days of the effective date of this Permit, the Permittee shall submit to the Department for approval a permit modification request providing a list of the PCD personnel (including the commander) whom may act as the emergency coordinator during an emergency, including their addresses and phone numbers. This contact information, to be attached as Table G-1a to the Contingency Plan, Permit Attachment 4, must be submitted following the procedures for a Class 1 permit modification as outlined in 6 CCR 1007-3 § 100.63.
- I.J.11. Within 90 days of the effective date of this Permit, the Permittee shall submit to the Department for approval a permit modification request providing detailed information on contamination control including the most current version of **SOP# PU-0000-M-302** as referenced in the Contingency Plan, Permit Attachment 4. This information to be added to the Contingency Plan, Permit Attachment 4, must be submitted following the procedures for a Class 1 permit modification as outlined in 6 CCR 1007-3 § 100.63.
- I.J.12. Within 90 days of the effective date of this Permit, the Permittee shall submit to the Department for approval a permit modification request providing a revised Table G-2 to include specific locations of equipment. This updated version of Table G-2, to be incorporated into the Contingency Plan, Permit Attachment 4, must be submitted following the procedures for a Class 1 permit modification as outlined in 6 CCR 1007-3 § 100.63.